



**Planning Commission  
Minutes of the January 21, 2016 Regular Meeting**

The meeting was called to order by Planning Commission Chairman Bianca at 5:30 p.m.

**ATTENDEES**

**PLANNING COMMISSION MEMBERS**

**Planning Commission Chairman**

Damian Bianca, CAPZO Present

**Planning Commission Vice-Chair**

Stephen Brooks, CAPZO Present

**City Council Member**

Michael Potter, CAPZO Present

Tim Cowles, CAPZO Present

Cynthia McCollum, CAPZO Absent (Arrived @ 5:35)

Steve Ryder, CAPZO Present

Cameron Grounds, CAPZO Present

Lewie L. Bates, CAPZO Present

Troy Wesson, CAPZO Present

**PLANNING STAFF PRESENT**

Mary Beth Broeren, AICP, Director of Planning; Gary Chynoweth P.E., Director of Engineering; Johnny Blizzard, AICP, Senior Planner; Ross Ivey, Assistant Planner; Kelly Butler, City Attorney; Megan Zingarelli, Assistant Attorney

**REGISTERED PUBLIC ATTENDEES**

Joey Ceci, Charles Williams, Jeff Birdwell, Joe Murphy, Sharron Carmichael, Mary McJoy, Ronica Ondocsin, Wes Alfred, Howell Lee, Mark Richerson, Winston James, James McGee, Tom Butler, Hanu Karlapalem, James W. Williams III

**ELECTION OF OFFICERS**

Chairman Bianca opened the floor for nominations for Planning Commission Vice-Chairman.

**Motion:** Mr. Cowles moved to nominate Mr. Wesson as Vice-Chairman. Mr. Brooks seconded the motion and with no further nominations from the Board the vote was as follows:

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Stephen Brooks	Aye
City Council Member Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Aye
Tim Cowles	Aye

**Motion Carried**

Chairman Bianca opened the floor for nominations for Planning Commission Chairman.

**Motion:** Mr. Bates moved to nominate Mr. Bianca as Planning Commission Chairman. Mr. Ryder seconded the motion. Mr. Wesson moved to nominate Mr. Brooks as Planning Commission Chairman. Mr. Cowles seconded the motion. The Board the vote for Mr. Bianca was as follows:

**Final Vote:**

Chairman, Damian Bianca	Abstain
Vice-Chairman, Stephen Brooks	Abstain
City Council Member Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Troy Wesson	Nay
Tim Cowles	Nay

**Motion Carried**

**ACCEPTANCE OF THE AGENDA**

Chairman Bianca accepted the agenda as presented and proceeded with regular business.

**COMMENTS**

Mr. Wesson mentioned that he would bring up a potential meeting change during new business for the March regular meeting.

**APPROVAL OF THE MINUTES**

Mr. Bates moved to approve the minutes of the December 17, 2015 Regular Meeting minutes. Mr. Ryder seconded the motion.

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Troy Wesson	Abstain
City Council Member Mike Potter	Aye
Cynthia McCollum	-----
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Abstain
Tim Cowles	Aye
Motion Carried	

**OLD BUSINESS**

There was no Old Business to discuss.

**PUBLIC COMMENTS**

There were no comments from the Public.

**PUBLIC HEARINGS**

**Zoning Map Amendments**

A public hearing to consider Dublin Farms, LLC request to rezone property located south of the Norfolk Southern Railroad and west of Kyser Boulevard from *M2, General Industrial District* to *R-4, Multi-family Residential District*.

**Applicant Comments:**

There were no comments from the applicant.

**Staff Comments:**

Mr. Blizzard informed the Commission that the applicant has requested this item to be tabled. Mr. Blizzard asked that the Planning Commission table this item to a date specific meeting so that this item does not keep going on for an extended period of time.

**Public Comments:**

There were no comments from the public.

**Commission Comments:**

Councilman Potter asked if the applicant is considering a zoning change request. Mr. Blizzard answered in the affirmative and in that instance the applicant would be required to re-advertise. Councilman Potter asked what the advertisement fee is. Mr. Blizzard answered \$1500.

**Motion:**

Mr. Ryder motioned to move that this item not be tabled past the March regular meeting date. Mr. Bates seconded the motion.

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Troy Wesson	Aye
City Council Member Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	Aye

**Motion Carried**

A public hearing to consider Madison Commons, LLC request to rezone Lot 2, Bradford Commercial Center, located east of Hughes Road and south of U.S. Highway 72 W. from PUD, Planned Unit Development to B2, Community Business District.

**Applicant Comments:**

Jeff Mullins presented the request on behalf of the existing tenant. He mentioned the reason for the rezoning is in order to obtain a liquor license.

**Staff Comments:**

Mr. Blizzard informed the Commission that the applicant and property owner is Madison Commons, LLC. They are requesting Lots 1 & 2, Bradford Commercial Center, Plat Book 31, Page 77, be rezoned from *PUD, Planned Unit Development* to *B2, Community Business District*. The subject property is located east of Hughes Road and south of U.S. Highway 72.

In June of 1986, the Madison City Council approved Ordinance Number 86-42 changing the zoning of the subject property from *R-1A, Low Density Residential District* to *PUD, Planned Unit Development*. The Ordinance provided all of the development guidelines for the Bradford Farms community. The subject property was identified as being part of Unit 1 in the Ordinance and designated for commercial uses.

In February of 1995, the Planning Commission approved a certified plat to subdivide, Unit 1, as designated in Ordinance Number 86-42. The property was subdivided into two lots, with the subject property being identified as Lot 2. The subject property is fully developed and occupied by two buildings. Each building is divided into suites occupied by retail and retail service establishments.

Mr. Blizzard added that Ordinance Number 86-42, which established the PUD District provides few guidelines for the development of commercial uses on the subject property. Standards found in the Zoning Ordinance for signage, landscaping, architectural controls, parking are not subject to the PUD District. Fortunately, the property has developed in alignment with current B2 District guidelines. However, there is no legal framework to require those B2 District zoning standards. Also, the property owners do not have any vested rights to the commercial uses permitted in the B2 District.

Recently, a prospective tenant proposed to establish a restaurant in one of the suites and inquired about the process of obtaining a liquor licenses. While alcohol is permitted in the B2 District, alcohol is not allowed in the PUD District. The rezoning of the subject property to B2 will provide the City

adequate regulations to govern commercial development and provide the property owner with all the vested rights established in the B2 District.

Mr. Blizzard concluded that staff recommends approval of Madison Common LLC's request to rezone Lot 2 of Bradford Farms Subdivision, Plat Book 31, Page 77 from PUD, Planned Unit Development to *B2, Community Business District*.

**Public Comments:**

There were no comments from the public.

**Commission Comments:**

There were no comments from the Commission.

**Motion:**

Mr. Brooks motioned to recommend to the City Council to rezone Lot 2, Bradford Commercial Center, located east of Hughes Road and south of U.S. Highway 72 W. from PUD, Planned Unit Development to B2, Community Business District. Mr. Bates seconded the motion.

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Troy Wesson	Aye
City Council Member Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	Aye

**Motion Carried**

A public hearing to consider Mary Margaret Long, Sharon Carmichael, and Darrel Carmichael's request to rezone Lot 1, 2, 3, and 4 of Clift Acres Subdivision located at the northeast intersection of Hughes Road and Portal Lane from B1, Neighborhood Business District to B2, Commercial Business District.

**Applicant Comments:**

There were no comments from the applicant.

**Staff Comments:**

Mr. Blizzard informed the Commission that the applicants and property owners are Mary Margaret Long, Sharon Carmichael and Darrel Carmichael. They are requesting Lots, 1, 2, 3, and 4 of Clift Acres Subdivision, Plat Book 3 Page 192 be rezoned from *B1, Neighborhood Business* to *B2, Community Business*. The subject properties are located at the northeast intersection of Hughes Road and Portal Lane.

The subject properties were rezoned from *R-1B, Low Density Residential* to *B1, Neighborhood Business District* in June of 2005. Three of the lots are still utilized as residential dwellings but the property

located at the extreme northeast corner of Hughes Road and Portal Lane is occupied by a Chiropractic clinic. The adjoining properties to the north are in the B1 District. The western most property is a residential dwelling converted into a real estate office. The structure located on the eastern most property is utilized as residential dwelling. The adjoining properties to the east are in the *R-1B, Low Density Residential District* and each is currently occupied by a residential dwelling. The adjoining property to the south is in the *B2, Community Business District*, and is occupied by a retail shopping center. The adjoining property to the west is zoned *B1, Neighborhood Business District* and is occupied by Madison City Hall and Fire Station Number 1.

Mr. Blizzard added that the proposed B2 District is consistent with the Future Land Use Map, which provides a designation of C, Commercial for the properties. The adjoining properties to the north and south also have the same land use designation of C, Commercial. The adjoining properties to the east have a land use designation of RL, Residential Low Density and the underlying zoning of R1B is consistent. The adjoining property to the west has a land use designation of I, Institutional. The underlying zoning of B1 is compatible with this designation. The use of the property as a municipal government facility is compliant as well.

The subject properties are within the Midtown Madison, KDA. However, the Plan does not provide any goals and objectives specific to those properties. The Plan does designate the properties north and south of the subject properties as a "Local Commercial Node." The Plan recommends "in-town neighborhoods" along the west side of Hughes Road. The Growth Plan identifies three important traffic generators including City Hall, the Skate Center and the YMCA.

In September of 2014, the City of Madison revised the commercial zoning district sections of the Zoning Ordinance. The B1 District regulations were modified to become more compatible with the downtown. These modifications included mixed use buildings with commercial on lower floors and residential located above. It also allows for outdoor entertainment. The B1 District provides for less restrictive setbacks, screening and landscaping requirements than the other commercial zoning districts. These modifications were designed to function in a downtown setting with a mixture of uses within a close proximity. The current B1 District regulations are not the best use for a commercial property adjoining a traditional residential subdivision, which is characteristic of the surrounding properties to the east. The B2 District regulations were also modified to provide the most effective regulations to minimize the impact of a commercial use on adjoining and nearby residential areas. Therefore, the surrounding residential neighborhood will benefit from the additional landscaping and screening requirements in the B2 District.

The intersection of Hughes Road and Portal Lane generates a high volume of traffic. The "Current Traffic Count Map" shows 19,108 trips per day being recorded on Hughes Road just south of the subject properties. This factor along with the close proximity of Skate Park, the YMCA and City Hall make the subject properties attractive to retail recruiters. The permitted uses in the B2 District will provide the landowners a better range of permitted uses to attract potential commercial uses to the site.

Mr. Blizzard concluded that Staff recommends approval of Mary Margaret Long, Sharon Carmichael and Darrel Carmichael's request to rezone the Lots 1, 2, 3, 4 of Clift Acers Subdivision, Plat Book 3, Page 192 from *B1, Neighborhood Business District* to *B2, Community Business District*.

**Public Comments:**

There were no comments from the public.

**Commission Comments:**

There were no comments from the Commission.

**Motion:**

Mr. Brooks motioned to recommend to the City Council to rezone Lot 1, 2, 3, and 4 of Clift Acres Subdivision located at the northeast intersection of Hughes Road and Portal Lane from B1, Neighborhood Business District to B2, Commercial Business District. Mrs. McCollum seconded the motion.

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Troy Wesson	Aye
City Council Member Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	Aye

**Motion Carried**

**Subdivision Plats**

**Dublin Farms – Layout Plat**

Location: North of Norfolk Southern Railroad and west of Tribble Drive

Representative: Mullins, LLC

Applicant/Owner: Smart Living, LLC

Lots: 98

Acreage: 27.65 Acres

**Applicant Comments:**

Jeff Mullins presented the layout request. He stated that he believes that this layout satisfies the requirements for the Fire department, having two entrances, and is seeking layout approval.

**Staff Comments:**

Mr. Blizzard informed the Commission the applicant and property owner is Smart Living, LLC and the design firm is Mullins, LLC. The subject property is located south of Palmer Road and west of Tribble Drive. The subject properties are bound by the Norfolk Southern Railroad to the south and Palmer Park to the west with an area of 27.65 acres.

Mr. Blizzard informed the Commission that a new layout had been presented to Staff and the Technical Review Committee and that they were in support of the revised layout.

Gary Chynoweth added that the floodplain and floodway, that is non-buildable, are of no value to the developer, but they are of value to the City. The Engineering department along with Planning and Recreation Departments have developed a plan that includes soccer fields, 120 space parking lot, a dog park, and a multiuse path that can be used for emergency fire access. Mr. Chynoweth stated that this

would be a relatively low cost project that would be something that the city could support and even help fund. He also suggested that this agreement between the developer and city be a condition that is approved along with the layout.

**Public Comments:**

Howell Lee, representing the Huntsville Madison County Builders Association said that they voted to oppose the Fire Code requiring sprinkler systems in residential dwellings because it was not an economically viable option.

**Commission Comments:**

Councilman Potter asked if the developer would lose a lot as a result of this layout. Mr. Blizzard answered that they would not lose a residential lot.

Chairman Bianca asked if the Fire Department was comfortable with this layout and plan. Mr. Williams answered that he feels it will meet their remote access needs.

Mr. Wesson stated that this development would interfere with the Balch Road extension shown in future plans. Mr. Chynoweth answered that traffic volumes and current funding are not economically viable for a railroad overpass.

Councilman Potter asked if the Fire Code is only used for Commercial and Industrial property. Mr. Williams answered that it includes residential once a development reaches a certain number of lots. He added that the state adopted this code as well.

Mr. Brooks asked if the main issue at hand with the Fire Department was in regards to having two entrances or remoteness. Mr. Williams answered that both issues were of concern. He stated that a subdivision of that size is required to have two entrances and then the remoteness is factored into the equation. Mr. Williams added that the original layout did not meet the requirement of entrance spacing.

Councilman Potter stated that the Fire Code puts you in tough situations when dealing with irregular shaped pieces of property such as this. Mr. Williams added that there are other options available, such as adding sprinkler systems to the residential dwellings.

Mrs. McCollum stated that the new layout design appears to benefit the city in regards to flooding, but asked if the access would interfere with where the children will be playing. Mr. Chynoweth said the layout should not interfere with the playing area.

Mr. Brooks asked if the Fire Code is legally binding. Attorney Butler answered that the Fire Code is legally binding, just as the building code is. Mr. Brooks stated that the new plan appears not to meet the Fire Code regulations either. Attorney Butler answered that the development exceeds 30 lots reason for discussion and quoted a section of the Fire Code. She then listed exceptions stated in the code, which included future access points, and further clarified the resolution. Mr. Williams added that this section is not in there only for Fire protection, but also for natural disasters.

Mr. Williams stated that the proposed greenway on Tract A, and the proposed emergency access easement would satisfy the Fire Department contingencies.



**Motion:**

Mr. Brooks motioned to allow non-radial lot lines for the layout. Mr. Bates seconded the motion.

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Troy Wesson	Aye
City Council Member Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	Aye

**Motion Carried**

Mr. Brooks motioned to allow for a variance for back length to exceed normal standards. Mr. Bates seconded the motion.

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Troy Wesson	Aye
City Council Member Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	Aye

**Motion Carried**

Mr. Brooks motioned to approve the layout for Dublin Farms provided the following contingencies:

**Planning Department Comments**

1. Show pedestrian greenway trail location from Palmer Road to south property line as shown in the *City's Parks and Recreation Master Plan*
2. Pedestrian easement must be R.O.W. and provide central access from the neighborhood to the greenway
3. Provide multi-use trail along the entire property frontage on Palmer Road as shown in the *City's Parks and Recreation Master Plan*

**Fire Department Comments**

1. Unless the homes will be sprinkled, the subdivision access points are too close to each other and not remote enough to meet the requirement. See IFC 2009 Appendix D104.3. Suggest secondary access via Tribble Drive. This must be resolved on the face of the plan.
2. As required by IFC 2009 Appendix D104.3 construction will be limited to 51 lots without second remote access OR applicant has option to sprinkle all of the buildings. Add a note to the face of the plan, depending on which is decided upon.

**Engineering Department Comments:**

1. Development agreement with City and Developer

Mrs. McCollum seconded the motion.

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Troy Wesson	Nay
City Council Member Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	Aye

**Motion Carried**

**Nature's Trail – Final Plat**

Location: North of Powell Road and east of Bowers Road

Representative: Mullins, LLC

Applicant/Owner: Smart Living, LLC

Lots: 48 Lots & 1 Tract

Acreage: 62.05 acres

**Applicant Comments:**

Jeff Mullins presented the request for approval on behalf of the developer.

**Staff Comments:**

Mr. Blizzard informed the Commission that the applicant and property owner is Smart Living, LLC and the design firm is Mullins, LLC. The subject property has an area of 62.05 acres and is located north of Powell Road and east of Bowers Road.

The subject property is zoned *R-3A, Single-Family Detached Residential*. The adjoining property to the north is zoned *TND, Traditional Neighborhood District*. The Village at Oakland Springs Subdivision is planned for this property. The other adjoining properties are all utilized for agriculture and/or rural estates. Those within the City of Madison are zoned *AG, Agriculture*.

The applicant is requesting final plat approval for 48 lots and 1 tract. The smallest lot is 13,123 square feet. Mr. Blizzard concluded that Staff, and the Technical Review Committee recommend approval of the final plat for Nature's Trail, Phase 1 with the contingencies noted in the staff report.

**Public Comments:**

There were no comments from the public.

**Commission Comments:**

There were no comments from the Commission.

**Motion:**

Mr. Bates motioned to approve Nature's Trail Final Plat given the following contingencies:

**Planning Department Contingencies:**

1. Submit Title Opinion
2. Signatures:
  - a) Dedication
  - b) Notary's Acknowledgement
  - c) Athens Utilities
  - d) North Alabama Gas

**Engineering Department Contingencies:**

1. Submit performance bonds
2. Submit sign fees.
3. Submit a detail of the subdivision identification signs proposed location on the common areas provided.
4. The errors found in the flood note.
5. Note the following on the plat:  
Lot 21 shall not have access to Gimlet Drive.
6. Clarify the meaning of the acronym "DFFE" and demonstrate that it is consistent with being 0.5 feet over pad elevation

Mr. Ryder seconded the motion.

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Troy Wesson	Aye
City Council Member Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	Aye

**Motion Carried**

(PUBLIC HEARING CLOSED)

**NEW BUSINESS**

Mr. Ivey reminded the Planning Commission of the joint Planning Commission Meeting and Steering Committee meeting as an update on the West Side Master Plan to be held on January 28, 2016. Mr. Ivey mentioned that the following items would be addressed at the meeting: Fiscal Impact Study, Place Type overview, and a draft of the annexation guidelines.

Mr. Wesson recommended moving the Regular Meeting in March back a week to March 24<sup>th</sup> due to Spring Break. The Commission agreed to Mr. Wesson's request.

#### **ADJOURNMENT**

Chairman Bianca adjourned the meeting at 6:30 p.m.

**Minutes Approved**

A handwritten signature in black ink, appearing to read "Damian Bianca", is written over a horizontal line.

**Damian Bianca, Chairman**

**ATTEST:**

A handwritten signature in blue ink, appearing to read "Ross Ivey", is written over a horizontal line.

**Ross Ivey, Assistant Planner and Recording Secretary**